

MINUTES
Crested Butte Town Council
Regular Council Meeting
October 17, 2011
Council Chambers, Crested Butte Town Hall

Mayor Leah Williams called the meeting to order at 7:01 p.m. Council members present: Jim Schmidt, John Wirsing, Daniel Escalante and Roland Mason. Council member Reed Betz arrived at 7:18 p.m. Council member absent: Phoebe Wilson. Staff Present: Town Manager Susan Parker, Town Attorney John Belkin, Town Clerk Eileen Hughes, Finance Director Lois Rozman (for part of meeting), Town Planner John Hess (for part of meeting), Building and Zoning Director Bob Gillie (for part of meeting), Public Works Director Rodney Due (for part of meeting) and Parks and Recreation Director Jake Jones (for part of meeting).

APPROVAL OF AGENDA

Escalante moved and Schmidt seconded to approve the agenda as presented. A roll call vote was taken with all present voting "Yes." **Motion passed unanimously.**

CONSENT AGENDA

- A) Approval of Minutes of September 30, 2011 Special Council Meeting.
- B) Approval of Minutes of October 3, 2011 Regular Council Meeting.

Schmidt moved and Wirsing seconded to approve the Consent Agenda. A roll call vote was taken with all present voting "Yes." **Motion passed unanimously.**

PUBLIC COMMENTS : None

STAFF REPORTS

Bob Gillie:

- Gave a brief update on progress of the ice rink roof project.

John Hess:

- Recently attended an Affordable Housing conference where valuable information was presented. He is following up on resident occupied affordable housing regulations.

Rodney Due:

- Public Works crews are getting ready for winter.
- He is reviewing the new draft watershed ordinance submitted by consulting attorney Barbara Greene.
- He is working on the snow and ice plan for the winter, which he will present to the Council for approval next month. He is considering hiring three seasonal workers and initiating a "three inch rule" for snow removal.

Jake Jones:

- He is busy working on loose ends related to the ice rink roof project.
- Parks crews are preparing for snow by removing planter boxes, bike racks etc.

- Parks supervisor Pete Curvin attended an ice maintenance training in Breckenridge. Curvin reported he was inspired by the training.
- Last week 100 kids from the Crested Butte area participated in a hockey camp held at the Gunnison ice rink.
- A council member asked Jones if a community garden could be considered for the Crank's Plaza area. Jones said staff has been approached by two local organizations about community garden projects and noted that the library has a garden project in Crank's plaza.

Eileen Hughes:

- Staff administratively approved KBUT's Halloween parade special event.
- The Clerk's office is working on town website policies and recently held a training with staffers from several departments on website procedures and guidelines on items such as content, links and font consistency.
- An orientation for new council members has been scheduled for November 3. All council members are invited.
- New Council members will be seated at the November 7, 2011 regular Council meeting, outgoing members will need to attend to convene the meeting with the required quorum.

Council member Reed Betz arrived at 7:18 p.m.

PUBLIC HEARINGS

A) Resolution No. 9, Series 2011- A Resolution To Adopt The Mill Levy For The Town Of Crested Butte, Colorado For The Fiscal Year 2012, Beginning The First Day Of January 2012 And Ending The Last Day Of December 2012.

Mayor Williams read the title of the Resolution and confirmed with the Town Clerk that proper public notice of the public hearing was given. There was no discussion. Mayor Williams opened the public hearing. There were no public comments. Mayor Williams closed the public hearing.

Schmidt moved and Wirsing seconded to approve Resolution No. 9, Series 2011. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

B) Resolution No. 10, Series 2011- A Resolution Adopting The Budget And Appropriating Sums Of Money For The Town Of Crested Butte, Colorado For The Fiscal Year Beginning The First Day Of January 2012, And Ending The Last Day Of December 2012, Estimating The Amount Of Money Necessary To Be Derived From Revenue Sources, And Setting Forth The Total Estimated Expenditures For Each Fund.

Mayor Williams read the title of the Resolution and confirmed with the Town Clerk that proper public notice of the public hearing was given. There was no discussion. Mayor Williams opened the public hearing. There were no public comments. Mayor Williams closed the public hearing.

Betz moved and Wirsing seconded to approve Resolution No. 10, Series 2011. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

C) Ordinance No. 17, Series 2011- An Ordinance Amending Section 13-1- 120 of the Crested Butte Municipal Code To Increase The Minimum Monthly Service Charge Per Meter For Water Used At A "Base Rate" to \$27.00 Per Month Per EQR.

Mayor Williams read the title of the Resolution and confirmed with the Town Clerk that proper public notice of the public hearing was given. A Councilmember noted he received one phone call from a constituent who said the increase in the water rate was "outrageous" and another Councilmember said the Town's water rates are the lowest in the area.

Mayor Williams opened the public hearing. There were no public comments. Mayor Williams closed the public hearing.

Escalante moved and Betz seconded to approve Ordinance No. 17, Series 2011. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

D) Ordinance No. 18, Series 2011 – An Ordinance Adopting Changes And Additions To The 2011 Budget And Appropriations Relative To The General Fund, General Capital Fund, Sewer/ Water Fund, And Sales Tax Fund.

Mayor Williams read the title of the Ordinance and confirmed with the Town Clerk that proper public notice of the public hearing was given. There was no discussion. Mayor Williams opened the public hearing. There were no public comments. Mayor Williams closed the public hearing.

Escalante moved and Wirsing seconded to approve Ordinance No. 18, Series 2011. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

E) Resolution No. 12, Series 2011- A Resolution Establishing and Approving The Route For Nordic Track Setting Equipment.

Mayor Williams read the title of the Resolution and confirmed with the Town Clerk that proper public notice of the public hearing was given. Crested Butte Nordic Council Director Keith Bauer said there are no changes to nordic track route from last year. Bauer added that in the future they may eliminate the route to the fuel pumps at True Value.

Mayor Williams opened the public hearing. There were no public comments. Mayor Williams closed the public hearing.

Schmidt moved and Wirsing seconded to approve Resolution 12, Series 2011. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

F) Resolution No. 13, Series 2011- A Resolution Designating The Route For The Use of Rubber-Tracked Snow Cat Machines on Town Public Streets.

Mayor Williams read the title of the Resolution and confirmed with the Town Clerk that proper public notice of the public hearing was given.

Alan Bernholtz, representing Irwin Backcountry Guides LLC, said he spoke with Town Manager Susan Parker, Public Works Director Rodney Due, Chief Marshal Tom Martin and Whiterock Avenue resident Kathy Sporcich about the proposed changes to the rubber-tracked snow cat route and everyone was okay with the route.

Town Manager Susan Parker said staff had no concerns with the proposed route. Public Works Director Rodney Due suggested that an alternate route past the Nordic Center be considered to avoid Whiterock Avenue. A discussion ensued about Due's suggestion and several council members pointed out that during a previous discussion about locating a new bus stop at the Nordic Center concerns were expressed about congestion in that area.

Council and Bernholtz discussed plans for the snow cat to pick up guests on 2nd Street and then turn around. Bernholtz said they planned to turn the snow cat around in the area in front of C.S. Irwin's building, which he thought would be better than going all the way around the block.

Bernholtz said would like to run the snow cat route until 10 p.m. which coincides with the time in the Town's noise ordinance concerning allowable decibel levels. Council noted that an ordinance is needed to change the times for rubber track snow cat operations and Bernholtz should make a request if he wants the time changed to 10 p.m.

Mayor Williams opened the public hearing. There were no public comments. Mayor Williams closed the public hearing.

Betz moved and Wirsing seconded to approve Resolution 13, Series 2011. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

G) Ordinance No. 20, Series 2011- An Ordinance Amending Article 5 Of Chapter 6 Of The Crested Butte Municipal Code Regarding The Licensing Of Medical Marijuana Dispensaries By Repealing And Re-Enacting Article 5 And Making Certain Other Related Conforming Changes To The Code.

Mayor Williams read the title of the Ordinance and confirmed with Town Clerk that proper public notice of the public hearing was given. Town Attorney John Belkin outlined points in his memo to Council dated October 12, 2011.

Mayor Williams opened the public hearing. Mike Ingle of Crested Butte Wellness Center (a medical marijuana dispensary) asked if the ordinance prohibits medical marijuana grow operations and infused product manufacture in town. Council responded that the ordinance does prohibit those activities, at least for now, but it could be changed in the future. Mayor Williams closed the public hearing.

Escalante moved and Schmidt seconded to approve Ordinance No. 20, Series 2011. A roll call vote was taken with Escalante, Mason, Williams, Betz and Schmidt voting "Yes" and Wirsing voting "No." **Motion passed 5-1.**

NEW BUSINESS

A) Ordinance No. 21, Series 2011- An Ordinance Raising the Payment of Compensation to Members of the Town Council and the Mayor.

Mayor Williams read the title of the Ordinance. Council briefly discussed the Ordinance. A Council member said he supported setting the Ordinance for public hearing after the new council members are seated so two Councils can consider the ordinance and the compensation would not go into effect until 2013. He added that

the compensation has not made up for the work he's missed due to Council duties, but a raise may help council members in the future. Another councilmember said the compensation, however, is appreciated.

Mayor Williams opened the public hearing. Crested Butte resident Alan Bernholtz said it sends a bad message to the public for the Council to increase compensation during these tough economic times. Bernholtz added that he does not believe that anyone serves on the Council for the money.

Schmidt moved and Betz seconded to set Ordinance No. 21, Series 2011 for public hearing on November 21, 2011.

B) Discussion of Memorandum From the Town Attorney Regarding Exemption Claimed by Federal National Mortgage Association (Fannie Mae) Under the Town's Real Estate Transfer Excise Tax.

Town Attorney John Belkin pointed out a court case referenced in his memo to Council dated October 11, 2011. Belkin said the law appears clear that Fannie Mae and Freddie Mac are not government instrumentalities. Belkin said he will draft a letter stating the Town's position that Fannie Mae and Freddie Mac are not governmental instrumentalities and therefore are not exempt from the Real Estate Transfer Tax. Belkin added the Finance Director can provide the letter to people who are trying to claim the exemption.

C) Staff Report on Fireworks Survey And Possible Follow-Up Action.

Council members briefly discussed the survey results. One council member pointed out the results were based on a small sample and said the survey didn't really clear anything up about the fireworks issue. Two observations council members noted were the majority of the respondents favoured alternating displays between Crested Butte and Mt. Crested Butte and most respondents did not want to donate for fireworks.

Crested Butte resident Kevin McGruther asked Council for the history of the fireworks issue. Council provided background information on past funding, hosting and location of 4th of July fireworks displays. Crested Butte resident Alan Bernholtz said Vail and Beaver Creek's fireworks displays are held on the Saturday closest to the 4th of July. Bernholtz added that he appreciates the Council's effort to find a compromise for local fireworks displays.

Council did not take any action and agreed the topic should be re-addressed after new council members are seated.

D) Draft Comment Letter on Environmental Assessment for the Establishment of Low Altitude Training for Cannon AFB, New Mexico.

Council discussed the draft letter. One council member said item #7 sounds negative and suggested deleting "we do not welcome military activity in our daily lives." Council agreed with the revision. Council also discussed amending the letter to express concern that low flying aircraft could trigger avalanches and present a danger to backcountry skiers. Council also said the letter should include mention of some positive military activities that occur in the local area such as high altitude land-based training and military ski training on Mt. Crested Butte.

Crested Butte resident Aaron Huckstep pointed out that Osprey aircraft have a high accident rate and suggested the letter include concerns about the reliability and safety of the aircraft used for training missions. Council

agreed with Huckstep's suggestion. Crested Butte resident Kevin McGruther said he welcomes anything the Council can do to prevent activities that may be detrimental to our community. Crested Butte resident Alan Bernholtz, who is an avalanche expert, said he is not sure if an avalanche can be triggered by low flying aircraft and he has never heard of such an incident.

Schmidt moved and Betz seconded to direct Mayor Pro-tem Daniel Escalante to sign the letter after staff makes revisions as discussed. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

LEGAL MATTERS

Town Attorney John Belkin:

- He finished work on the timeshare documents related to the Sixth Street Station project.

COUNCIL REPORTS AND COMMITTEE UPDATES

Jim Schmidt:

- Reported that a "pirate" bike trail was created again between Gunsight Road and Smith Hill and the trails committee went out and closed off the trail again. A letter will be in the newspaper asking people to respect private property.

Daniel Escalante:

- He spoke with several Mt. Express bus drivers who are opposed to the installation of a new bus stop on Elk Avenue.

Leah Williams:

- Attended a Board of County Commissioners meeting and there was a presentation by Colorado Broadband about bringing broadband internet coverage to the area and the possibility of funding. Williams asked if a link to a survey on the topic can be placed on the Town website. Staff said a link will be placed on the Town website.

John Wirsing:

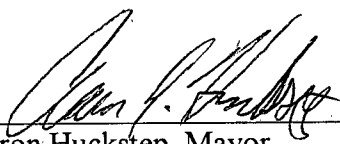
- He shared information about affordable housing with a long time friend who is a Town Manager in North Carolina. His friend passed along salary information, which he can share with Council if interested. Town Manager Susan Parker noted that the Town conducted a salary survey with comparable Colorado communities and the information is also available to the Council.

EXECUTIVE SESSION

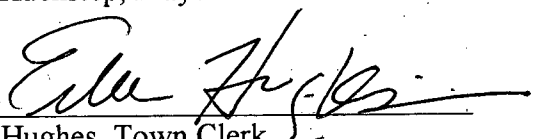
Schmidt moved and Betz seconded to go into executive session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. section 24-6-402(4) (b). A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

Council took a five minute break and went into executive session at 8:44 p.m. and returned from executive session at 9:44 p.m. Mayor Williams made the required announcement upon returning to the open meeting. No action was taken.

Mayor Williams adjourned the meeting at 9:45 p.m.



Aaron Huckstep, Mayor



Eileen Hughes, Town Clerk (SEAL)

